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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/535,193 | 05/18/2005 | Katsuhiro Sato | 050311 | 5650 |
| 23850 7590 12/11/2007 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005 | | | EXAMINER WOO, STELLA L | |
| | | | ART UNIT 2614 | PAPER NUMBER |
| | | | MAIL DATE 12/11/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,193

Applicant(s)

SATO ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/18/05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/18/05; 6/29/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin Boys (US 2006/0114890 A1) in view of Donaldson et al. (US 7,272,232 B1, hereinafter "Donaldson").

Martin Boys discloses a contents reproducing apparatus (Internet radio device with IP telephony mode), comprising:

a call detecting means (users may receive telephone calls; paragraph 106);

a mode switching means (user can switch between IP telephony mode and Internet radio mode; paragraph 108-109).

Martin Boys differs from claims 1, 4 and 7 in that it does not teach disabling a mode switch when it is determined that said pay content is being received. However, Donaldson teaches the desirability of prioritizing multiple audios sources (Abstract; Figure 2; col. 5, lines 31-49) such that it would have been obvious to an artisan to incorporate such a priority logic feature, as taught by Donaldson, within the apparatus of Martin Boys in order to select any of the plurality of audio sources, such as Internet radio, as having priority over another audio source, such as in incoming IP telephone call.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Martin Boys and Donaldson, as applied to claim 1 above, and further in view of Van Bosch (US 2004/0204159 A1).

The combination of Martin Boys and Donaldson differs from claim 2 in that it does not specify a busy processing means for informing an opponent party of being under communication. However, Van Bosch teaches the desirability of informing an incoming caller that the user is not able to respond to the call at the time (paragraph 68, last sentence) such that it would have been obvious to an artisan of ordinary skill to incorporate such informing, as taught by Van Bosch, within the combination of Martin Boys and Donaldson in order to inform an incoming caller when the incoming call is not being accepted.

4. Claims 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Martin Boys and Donaldson, as applied to claim 1 above, and further in view of Kaufman (US 6,654,367 B1).

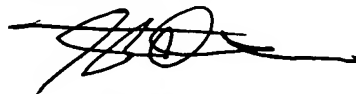
The combination of Martin Boys and Donaldson differs from claims 3, 5 and 6 in that it does not specify an answering telephone function. However, Kaufman teaches the desirability of incorporating a telephone answering device for voice messaging within an Internet audio appliance (Abstract) such that it would have been obvious to incorporate such a telephone answering function, as taught by Kaufman, within the combination of Martin Boys and Donaldson in order to allow an incoming caller to leave a voice message when the incoming call is not being accepted.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White et al. (US 2005/0049002 A1), Qureshey et al. (US 2002/0072326 A1), Kanamori et al. (US 6,662,022 B1), Sakanashi (US 6,954,652) and Reichstein (US 6,154,649) show other relevant content reproducing devices.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
Art Unit 2614